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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,547	09/30/2003	Udo Bendig	076326-0268	6462

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 3000 K STREET NW  
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EXAMINER
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ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/673,547

Applicant(s)

BENDIG ET AL.

Examiner

Laura B. Rosenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 4/26/05; 1/20/04; 11/13/03

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 4, 6, 7, and 10 are objected to because of the following informalities:  
“the rear compartment” should be --a rear compartment-- (claim 1, lines 1-2);  
“the roof region” should be --a roof region-- (claim 1, line 2);  
“the lateral roof frame” should be --a lateral roof frame-- (claim 4, line 4);  
“the rear pillar” should be --a rear pillar-- (claim 4, line 3);  
“the first roof section” should be --a first roof section-- (claim 6, line 2);  
“in that” should be deleted (claim 6, line 2);  
“the rear pillar” should be --a rear pillar-- (claim 6, line 4);  
“the second roof section” should be --a second roof section-- (claim 6, line 4);  
“the first airbag region” should be --a first airbag region-- (claim 7, lines 1-2);  
“the second airbag region” should be --a second airbag region-- (claim 7, line 2-3);  
“the rear pillar” should be --a rear pillar-- (claim 10, line 2).  
Appropriate correction is required.

### ***Specification***

2. The disclosure is objected to because of the following informalities: “first sub-container 90” should be --second sub-container 90-- (paragraph 0023, line 5).  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 1-3, the phrase "and/or" renders the claim indefinite.

In regards to claim 12, the examiner is unsure what the applicant is trying to claim.

The claim should be rewritten for clarification purposes.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanase et al. (6,783,152). Tanase et al. disclose an occupant protection device (for example, including #M1) able to protect a vehicle occupant in a rear compartment of a vehicle comprising:

- Airbag (for example, including #20 with expansion portions including #23, 24 and non-expansion portions including #27, 34) fastened in a roof region of the vehicle

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- When inflated, the airbag at least partially covers both a side wall/window and a rear wall/window (for example, as seen in figures 1, 6)
- The airbag is integrated in the roof region and concealed by roof lining/covering (for example, including headliner #8 and garnishes)
- The airbag, when inflated, has two airbag regions (for example, including #21, 34) arranged at a right angle to each other (for example, as seen in figures 1, 6), including a first region (#21) at least partially covering the side wall/window and a second region (#34) at least partially covering a rear wall/window
- The first airbag region (#21) is integrated in a first roof section (for example, including #3) of the vehicle roof, and the second airbag region (#34) is integrated in the second roof section (for example, including #13) of the vehicle roof
- The first roof section (#3) runs along a lateral roof frame as far as a rear pillar of the vehicle, and the second roof section (#13) extends along a rear cross-member (can be seen in figures 1, 6)
- The airbag is stored in a "holding container" (for example, including tape member #35) that is fastened in the roof region (can be seen in figure 2)

7. Claims 1-3 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Albrecht (DE100 56 298 A1). Albrecht discloses an occupant protection device (including #9) able to protect a vehicle occupant in a rear compartment of a vehicle comprising:

- Airbag (including #9) fastened in a roof region of the vehicle (between roof lining and roof)

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- When inflated, the airbag at least partially covers both a side wall/window and a rear wall/window (best seen in figure 1)
- The airbag is integrated in the roof region and concealed by roof lining/covering (see Abstract)
- The airbag, when inflated, has two airbag regions (for example, including side region and rear region as seen in figure 1) arranged at a right angle to each other, including a first region (side region) at least partially covering the side wall/window and a second region (rear region) at least partially covering a rear wall/window
- The airbag is shaped so that the second airbag region (rear region) unfolds as it inflates between a head restraint of the occupant's seat and the rear window/wall (while rear seat and its associated head restraint are not shown, based on the location of the airbag against the rear windshield #8, the airbag would be inflated between the rear windshield and the rear seat head restraint)

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanase et al. (6,783,152) in view of Dominissini (6,688,641). Tanase et al. disclose a gas generator (for example, including #39). However, Tanase et al. do not specifically disclose the gas

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generator being a cold gas or hybrid gas generator. Dominissini teaches an occupant protection device (including #10) able to protect a vehicle occupant in a rear compartment of a vehicle comprising an airbag (including cushion #18) fastened in a roof region of the vehicle (can be seen in figure 2), and a gas generator (#24), which can be a hybrid gas generator (column 5, lines 7-11). It would have been obvious to one skilled in the art at the time that the invention was made to modify the gas generator of Tanase et al. with the hybrid gas generator of Dominissini in order to provide faster response time for inflation of the airbag. Further, the use of hybrid inflators is very common in the art, particularly in elongated inflators used with side or roof mounted airbags, such as the type disclosed in the Tanase et al. reference, where fast response time is especially crucial due to the fragile nature of the part of the occupant's body being protected.

### ***Allowable Subject Matter***

10. Claims 6-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gotz et al. disclose a rear seat airbag.

Saslecov discloses an airbag inflated between the rear window and the rear seat.

Sack discloses a roll bar including an airbag that inflates behind the rear seat.


Zander discloses a roll bar including an airbag that inflates from behind the rear seat toward the front windshield and above the seated occupant.

12. Though not prior art based on its filing date, Mori et al. disclose an occupant protection device for protecting a vehicle occupant in a rear compartment of a vehicle comprising an airbag fastened in a roof region so that, when inflated, the airbag at least partially covers both a side wall/window and a rear wall/window of the vehicle.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura B Rosenberg  
Patent Examiner  
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LBR

  
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